IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3950 of 2007()

CRIME NO.356/07 OF OLLUR POLICE STATION

PETITIONER

SAJEESH, S/O.RAMAN, 24 YEARS,
CHEMMANDA HOUSE, PULLANIKKAD DESOM,
MADAKKATHARA VILLAGE, THRISSUR TALUK.

BY ADV. SRI.K.B.MOHANDAS

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 3950 OF 2007

Dated this the 29th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations under Sec.498A of the IPC. The marriage took place in 2006. There has been disharmony in the matrimony. A crime has been registered on the basis of a complaint by the de facto complainant. Investigation is in progress. The petitioner apprehends imminent arrest. His relatives, who are the co-accused, have already been granted anticipatory bail.

2. The learned counsel for the petitioner submits that false and exaggerated allegations are raised by the de facto complainant because of the strain in the marital tie. The petitioner may be granted anticipatory bail, in these circumstances, it is prayed.

3. The learned Public Prosecutor does not oppose the application. I reckon that as a fair and reasonable stand taken by the learned Public Prosecutor as arrest and incarceration of the petitioner is likely to mar all possibilities of reconciliation in the infant marriage. Subject to appropriate conditions, I am satisfied, anticipatory bail can be granted to the petitioner.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 7/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 9 a.m. and 3 p.m. on 9/9/07 and 10/7/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months. Thereafter, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 7/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 7/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge